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CONTENTS

DOCKET 596

CALENDAR of December 1, 2015
Morning 597

CONTENTS

MINUTES of Public Meetings,
Tuesday, October 27, 2015

Morning Calendar 598

Affecting Calendar Numbers:

705-81-BZ	1433 York Avenue, Manhattan
156-03-BZ	135-35 Northern Boulevard, Queens
127-15-BZ	135-35 Northern Boulevard, Queens
183-04-BZ	206 West 23rd Street, Manhattan
266-04-BZ	96 Boreum Place, Brooklyn
340-05-BZ	270 West 17th Street, aka 124-128 Eight Avenue, Manhattan
47-10-BZ	895 Zerega Avenue, aka 23581 Story Avenue, Bronx
89-10-BZ	53 Mercer Street, Manhattan
16-12-BZ	184 Nostrand Avenue, Brooklyn
97-15-A	221 Douglas Road, Staten Island
132-15-A & 133-15-A	163 Benedict Road, Staten Island
67-13-A	945 Zerega Avenue, Bronx
163-14-A thru 165-14-A	502, 504, 506 Canal Street, Manhattan
12-15-A & 13-15-A	53 Prospect Place, Staten Island
73-15-A & 74-15-A	170 Arbutus Avenue, Staten Island
264-13-BZ	257 West 17th Street, Manhattan
213-14-BZ	165 Wooley Avenue, Staten Island
78-15-BZ	201 East 66th Street aka 1131 Third Avenue, Manhattan
5-14-BZ	1807 East 22nd Street, Brooklyn
60-14-BZ	141-41 72nd Avenue, Queens
179-14-BZ	1937 East 14th Street, Brooklyn
204-14-BZ	55 Wythe Avenue, Brooklyn
316-14-BZ	115 Heyward Street, Brooklyn
71-15-BZ	548 West 22nd Street, Manhattan

Afternoon Calendar 614

Affecting Calendar Numbers:

69-15-BZ	245 Page Avenue, Staten Island
226-15-BZ & 227-15-A	61 Neutral Avenue, Staten Island
228-15-BZ	48 Hamden Avenue, Staten Island
229-15-BZ	214 Harding Park, Bronx
228-14-BZ	149 Hasting Street, Brooklyn
245-14-BZ	133-31 39th Street, Queens
24-15-BZ	71-17 Roosevelt Avenue, Queens
62-15-BZ	139 Bay Street, Staten Island

DOCKETS

New Case Filed Up to October 27, 2015

248-15-BZ
150-15 Barclay Avenue, Bounded by West 49th Street, Ninth Avenue, West 50th Street and 8th Avenue, Block 0058, Lot(s) 5, Borough of **Queens, Community Board: 4**. Special Permit (73-44) to reduce the 49 required parking spaces to twenty-five(25) for a proposed new five story and cellar new UG4 ambulatory diagnostic treatment health facility building, located within an R5/C1-2 zoning district. C6-4 district.

249-15-BZ
321 Starr Street, between St. Nicholas Avenue and Cypress Avenue, Block 03190, Lot(s) 37, Borough of **Brooklyn, Community Board: 4**. Special Permit (§73-36) to allow a physical culture establishment (MetroRock) to be located on the first floor of an existing building. M1-1 zoning district. M1-1 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

REGULAR MEETING
DECEMBER 1, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 1, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

98-06-BZ
APPLICANT – Eric Palatnik, P.C., for Yeshiva Siach Yitzchok, owner.
SUBJECT – Application March 3, 2015 – Amendment of a previously approved Variance (§72-21) which permitted school (Yeshiva Siach Yitzchok) contrary to bulk regulation and contrary to General City Law section 35. The Amendment seeks minor interior changes and an increase in height from fifty feet to a proposed fifty four feet. R4A zoning district.
PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of Bech 9th Street and Dinsmire Avenue, Block 15554, Lot 0049, Borough of Queens.
COMMUNITY BOARD #14Q

APPEALS CALENDAR

114-15-A thru 125-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rossville AME Zion Church, owner; Jade's Path, LLC, lessee.
SUBJECT – Application May 27, 2015 – Proposed construction of a single family home that does not front on a legally mapped street, contrary to General City Law Section 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 9, 11, 15, 17, 21, 23, 27, 29, 33, 35, 41 thru 43 Jade Court, Block 07267, Lot 0299, 0298, 0297, 0296, 0295, 0094, 0293, 0292, 0092, 0289, west side of Bloomingdale Road, approx. 346' south of intersection with Clay Pit Road, Borough of Staten Island.
COMMUNITY BOARD #3SI

198-15-A & 199-15-A
APPLICANT – Gary R. Tarnoff, Kramer Levin Naftalis & Frankel, LLP, for Harlem Commonwealth Council, owner; Peter Latta, Aduie Pyle, lessee.
SUBJECT – Application August 26, 2015 – Proposed construction of a transportation and distribution services facility on a lot that does not front on a legally mapped street, contrary to Article 3 Section 36, of the General City Law. M3-1 zoning district.
PREMISES AFFECTED – 500-550 Oak Point Avenue, Block 02606, Lot(s) 02 & 20, Borough of Bronx.
COMMUNITY BOARD #2BX

Ryan Singer, Executive Director

MINUTES

REGULAR MEETING
TUESDAY MORNING, OCTOBER 27, 2015
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

705-81-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun Enterprises, LLC, owner; Fraydun Enterprises, LLC, lessee.
SUBJECT – Application November 10, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the operation of a physical culture establishment which expired on May 10, 2013; Extension of Time to obtain a Certificate of Occupancy; Waiver of the Rules. R10 zoning district.
PREMISES AFFECTED – 1433 York Avenue, northeast corner of intersection of York Avenue and East 76th Street, Block 01471, Lot 21, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0
Abstain: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, an extension of time to obtain a Certificate of Occupancy, which expired on May 10, 1988, and an extension of the term of a variance previously granted by the Board under the subject calendar number, which expired on May 10, 2013; and

WHEREAS, a public hearing was held on this application on June 16, 2015 after due notice by publication in *The City Record*, with continued hearings on July 28, 2015, and September 22, 2015, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of the intersection of York Avenue and East 76th Street, within an R10 zoning district, in Manhattan; and

WHEREAS, the site has approximately 75 feet of frontage along York Avenue, 75 feet of frontage on East 76th Street, and 5,625 sq. ft. of lot area; and

WHEREAS, the site is occupied by a seven-story mixed use building; and

WHEREAS, on May 10, 1983, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 to permit the use of the existing accessory physical culture establishment (PCE) on the cellar and first floor level as a non-accessory physical culture use and the addition of the second floor to the physical culture use; and

WHEREAS, on April 23, 1991, under the subject calendar number, the Board granted an application for the reopening of the variance for an extension of term and for an amendment to the variance legalizing changes in the interior design and layout on the cellar, first floor and second floor levels; and

WHEREAS, on February 11, 1997, under the subject calendar number, the Board granted an application for the reopening of the variance for an extension of term and for an amendment to the variance legalizing the increase in floor area at the first floor level; and

WHEREAS, on May 2, 2006, under the subject calendar number, the Board granted an application for extension of term of the variance and amended the variance to extend by one hour, daily, the hours of operation; and

WHEREAS, on May 10, 2013, the term of the variance grant expired and was not timely renewed; and

WHEREAS, accordingly, the applicant now seeks a waiver of BSA Rules of Practice and Procedure §1-07.3(b)(2); and

WHEREAS, as required under that Rule, applicant has demonstrated that the use has been continuous since the expiration of the term of the grant and that substantial prejudice would result without such a waiver; and

WHEREAS, in addition, the applicant seeks to: (1) extend the time to obtain a Certificate of Occupancy and (2) extend the term of the variance for an additional ten (10) years; and

WHEREAS, on February 11, 1997, under the subject calendar number, the Board requested that a new certificate of occupancy be obtained by February 11, 1998; and

WHEREAS, the time to obtain a new certificate of occupancy has expired; and

WHEREAS, accordingly, the applicant now also seeks a waiver of BSA Rules of Practice and Procedure § 1-07.3(d)(2); and

WHEREAS, in response to questions raised in hearing, the applicant represents that there have been no noise or sound complaints subsequent to the 2006 decision, that there are sprinklers throughout the building, and that the lack of fire alarms in the PCE is a grandfathered condition; and

WHEREAS, the Fire Department, City of New York accepts the secondary means of egress being fire escapes and has no objection to the lack of interior fire alarms in the subject PCE; and

WHEREAS, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated May 10, 1983, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of ten (10) years; *on condition* that the expansion shall substantially conform to drawings as filed with this application, marked

'Received October 5, 2015'–(8) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from May 10, 2013, expiring May 10, 2023;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by October 27, 2016;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 27, 2015.

156-03-BZ

APPLICANT – Goldman Harris LLC., for Flushing Square, LLC., lessee.

SUBJECT – Application March 10, 2015 – Extension of Time to Complete Construction of a previously granted Variance (72-21) for the construction of a seventeen story mixed-use commercial/community facility/residential condominium building which expires on January 31, 2016; Amendment. R6/C2-2 zoning district.

PREMISES AFFECTED – 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 04958, Lot(s) 48, 38, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....3

Negative:.....0

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for a reopening, amendment, and extension of time to complete construction pursuant to a previously granted variance to permit, within an R6 (C2-2) zoning district, the construction of a 16-story mixed-use commercial/community facility/residential building, which expires on January 31, 2016; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, with continued hearings on August 25, 2015, and September 18, 2015, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, Councilmember Peter Koo, councilmember for the 20th District, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Northern Boulevard, between Prince Street and Farrington Street, within an R6 (C2-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since December 13, 2005 when, under BSA Cal. No. 156-03-BZ, the Board granted a variance to permit the development of a 200-unit, 17-story mixed-use commercial/community facility/residential building, with ground level retail, second floor community facility space, and 229 accessory parking spaces in a three-level below-grade parking garage; and

WHEREAS, on May 29, 2007, the Board issued a letter of substantial compliance permitting the following changes to the proposal: (1) the elimination of one floor, reducing the building to 16 stories with an average floor to ceiling height of 10'-2" instead of 9'-4"; (2) the expansion of the footprint of floors seven through 16 to redistribute the floor area from the floor that has been eliminated; (3) the modification of the size of certain units; and (4) the redesign of the inner courts; and

WHEREAS, on January 12, 2010, the Board granted an extension of time to complete construction for a term of two years, to expire on January 12, 2012; and

WHEREAS, on July 12, 2011, the Board granted an amendment to permit the following modifications to the previously-approved plans: (1) an increase in the number of dwelling units from 200 to 357; (2) a reduction in the average unit size from 1,437 sq. ft. to 787 sq. ft.; (3) an increase in the number of accessory parking spaces from 229 to 385; (4) a 6,503 sq. ft. reduction in the residential floor area (from 287,313 sq. ft. to 280,810 sq. ft.) and a corresponding 6,503 sq. ft. increase in the commercial floor area (from 10,957 sq. ft. to 17,460 sq. ft.) through the addition of a retail mezzanine between the first and second floors; (5) the relocation of the community facility space from the second floor to the third floor; (6) a reduction in the depth of the rear yard from 31'-5" to 30'-0"; and (7) a reduction in the initial setback distance from 20'-0" to 15'-0"; and

WHEREAS, on January 31, 2012, the Board granted a second extension of time to complete construction for a term of four years, to expire on January 31, 2016; and

WHEREAS, on May 29, 2015, the applicant filed, as a companion to the subject application, an application under BSA Cal. No. 127-15-BZ to permit, within an R6 (C2-2) zoning district, the proposed construction of a 16-story mixed-use commercial/community facility/residential building which exceeds the maximum height limits around airports, contrary to ZR §§ 61-21 and 61-22the time to complete construction thereunder; and

WHEREAS, the applicant's May 29, 2015 application under BSA Cal. No. 127-15-BZ is granted by separate decision, dated October 27, 2015; and

WHEREAS, the applicant states that due to funding

delays, additional time is necessary to complete the project; thus, the applicant now requests a four year extension of time to enable the owner to secure financing and complete construction; and

WHEREAS, the applicant submitted a letter from the Landmarks Preservation Commission ("LPC") dated September 25, 2014, stating that the Certificate of Appropriateness issued for the building has been extended to December 31, 2017, and that the amended Certificate of Appropriateness reflects the changes to the project sought herein; and

WHEREAS, the applicant notes that, in coordination with the LPC, it has undertaken temporary measures to preserve the interior landmark theatre at the site, but that full preservation and restoration of the premises requires completion of the new building, hence, the applicant has expeditiously filed for construction permits from DOB; and

WHEREAS, the applicant now proposes the following modifications to the previously approved plans: (1) an increase in the height of the proposed building by 11'-7" measured to the roof and 14'-3" measured to the top of the bulkhead, from 194.75 feet to 209 feet (AMSL, NAVD); (2) a reduction in the number of dwelling units in the proposed building from 357 to 269 (88 fewer units); (3) a change from rental to condominium ownership of such dwelling units; and (4) redesign of the entry façade on Northern Boulevard; and

WHEREAS, the applicant represents that the proposed increase in the height of the building results from the following modifications to the building: (1) elevation of the building above the landmark lobby to accommodate an increase in the floor-to-floor height of the parking level and the raising of the parking floor slab in order to remain above the water table and avoid undermining the foundations of the landmark lobby and adjacent buildings; (2) an increase in the floor-to-floor height of the community facility space to accommodate mechanical equipment; (3) an increase in the residential floor-to-floor height to accommodate mechanical equipment; (4) an increase in the uppermost residential floor-to-floor height to accommodate a thickened slab for the proposed building's mechanical penthouse; (5) an allowance of space to accommodate roofing, insulation and a ballast at the main roof; and (6) an elevation of the penthouse floor to accommodate mechanical equipment; and

WHEREAS, the applicant notes that the entry façade of the northern Boulevard has been redesigned to increase transparency and light; and

WHEREAS, the applicant states that rate of return for the proposed amended project is consistent with that which was contemplated in the previous grant; and

WHEREAS, at hearing, the Board directed the applicant to clarify, *inter alia*, representations made regarding the estimated sellout period for the proposed units and various adjustments made to comparables, as well as clarification as to how value from the proposed height increase impacted the applicant's financial analysis; and

WHEREAS, the applicant submitted a clarifying response, which the Board reviewed and accepted; and

WHEREAS, the applicant provided an updated environmental analysis to show that the proposed changes do not alter the conclusions of the negative declaration issued by the Board in its previous approvals; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the evidence, the Board finds that the requested amendment does not alter the Board's findings made for the original variance; and

WHEREAS, accordingly, the Board finds that the proposed variance, as amended, continues to reflect the minimum variance and the Board has determined that it is appropriate, with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 13, 2005, so that as amended this portion of the resolution shall read "to grant an extension of time to complete construction for a term of four years, to expire on October 27, 2019," and shall also read "to permit the noted modifications to the approved plans; *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received September 2, 2015"- (17) sheets; and *on further condition*:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application No. 401622669)

Adopted by the Board of Standards and Appeals, October 27, 2015.

127-15-BZ
CEQR #15-BSA-210Q

APPLICANT – Goldman Harris LLC., for Flushing Square, LLC., owner.

SUBJECT – Application May 29, 2015 – Special Permit (§73-66) to permit the construction of building in excess of the height limits established pursuant Z.R. §§61-211 & 61-22. The proposed building was approved by the Board pursuant to BSA Calendar Number 156-03-BZ. C2-2/R6 zoning district

PREMISES AFFECTED – 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 04958, Lot(s) 48, 38, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....3

Negative:.....0

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated October 21, 2015, acting on Department of Buildings Application No. 401622669, reads in pertinent part:

ZR 61-21, 61-22 – Building contrary to height restrictions of Article 6, Chapter 1 of the Zoning Resolution; and

WHEREAS, this is an application under ZR §§ 73-66 and 73-03, to permit, within an R6 (C2-2) zoning district, on a site under the jurisdiction of the Landmarks Preservation Commission, the construction of a 16-story mixed-use commercial/community facility/residential building which exceeds the maximum height limits around airports, contrary to ZR §§ 61-21 and 61-22; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, with continued hearings on August 25, 2015, and September 18, 2015, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on the north side of Northern Boulevard, between Prince Street and Farrington Street, within an R6 (C2-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since December 13, 2005 when, under BSA Cal. No. 156-03-BZ, the Board granted a variance to permit the development of a 200-unit, 17-story mixed-use commercial/community facility/residential building, with ground level retail, second floor community facility space, and 229 accessory parking spaces in a three-level below-grade parking garage; and

WHEREAS, on May 29, 2007, the Board issued a letter of substantial compliance permitting the following changes to the proposal: (1) the elimination of one floor, reducing the building to 16 stories with an average floor to ceiling height of 10'-2" instead of 9'-4"; (2) the expansion of the footprint of floors seven through 16 to redistribute the floor area from the floor that has been eliminated; (3) the modification of the size of certain units; and (4) the redesign of the inner courts; and

WHEREAS, on January 12, 2010, the Board granted an extension of time to complete construction for a term of two years, to expire on January 12, 2012; and

WHEREAS, on July 12, 2011, the Board granted an amendment to permit the following modifications to the previously-approved plans: (1) an increase in the number of dwelling units from 200 to 357; (2) a reduction in the average unit size from 1,437 sq. ft. to 787 sq. ft.; (3) an increase in the number of accessory parking spaces from 229 to 385; (4) a 6,503 sq. ft. reduction in the residential floor area (from 287,313 sq. ft. to 280,810 sq. ft.) and a corresponding 6,503 sq. ft. increase in the commercial floor area (from 10,957 sq. ft. to 17,460 sq. ft.) through the addition of a retail mezzanine between the first and second floors; (5) the relocation of the community facility space from the second floor to the third floor; (6) a reduction in the depth of the rear yard from 31'-5" to 30'-0"; and (7) a reduction in the initial setback distance from 20'-0" to 15'-0"; and

WHEREAS, on January 31, 2012, the Board granted a second extension of time to complete construction for a term of four years, to expire on January 31, 2016; and

WHEREAS, on May 29, 2015, the applicant filed the subject application as a companion to its March 11, 2015, application under BSA Cal. No. 156-03-BZ, which was filed to further amend the December 13, 2005 variance and extend the time to complete construction thereunder; and

WHEREAS, the applicant's March 11, 2015 application under BSA Cal. No. 156-03-BZ is granted by separate decision, dated October 27, 2015; and

WHEREAS, the applicant proposes to construct a 16-story mixed-use commercial/community facility/residential building which exceeds the height limits established under ZR §§ 61-21 and 61-22; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, Councilmember Peter Koo, councilmember for the 20th District, Queens, recommends approval of this application; and

WHEREAS, the Board notes that ZR § 61-21 (Restriction on Highest Projection of Building or Structure) restricts the height of buildings or structures within designated flight obstruction areas; and

WHEREAS, specifically, the provision sets forth that the highest projection of any building or structure may not penetrate the most restrictive of either approach surfaces, transitional surfaces, horizontal surfaces, or conical surfaces, within an Airport Approach District of a flight obstruction area; and it may not penetrate the horizontal surface or conical surface within the Airport Circling District of the flight obstruction area; and

WHEREAS, however, pursuant to ZR § 73-66 (Height Regulations around Airports) the Board may grant a special permit to permit construction in excess of the height limits established under ZR §§ 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), only (1) subsequent to the applicant submitting a site plan, with elevations, reflecting the proposed construction in relation to such maximum height limits, and (2) if the Board finds that the proposed would not create danger and would not disrupt established airways; and

WHEREAS, the provision also provide that, in its review, the Board shall refer the application to the Federal Aeronautics Administration (FAA) for a report as to whether such construction will constitute a danger or disrupt established airways; and

WHEREAS, as to the information submitted by the applicant, the Board notes that the applicant submitted a site plan with elevations reflecting the proposed construction, which includes information about the maximum as-of-right height and the maximum height approved by the FAA for

each building; and

WHEREAS, as to the Board's determination about the safety of the proposed construction with regard to the proximity to the airport, the Board notes that the FAA regulates the heights of buildings within proximity to airports and that since the subject site is located within the flight obstruction area for LaGuardia Airport, it falls within the area regulated by the FAA; and

WHEREAS, the applicant represents that it filed applications with the FAA for review and approval of proposed building;

WHEREAS, on February 11, 2015, the FAA issued a Determination of No Hazard to Air Navigation for the project (the "FAA Determination"), which expires on August 11, 2016; and

WHEREAS, specifically, the FAA Determination states that the proposed "structure will have no adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities…"

WHEREAS, the FAA determination is based on an examination of eight points on the roof of the building, referred to as FAA Building Points 1 – 8; FAA Building Points 2, 3, 6 and 7 are located on the top of the Penthouse Parapet, FAA Building Points 1, 4, 5, and 8 are located on the top of the Mechanical Parapet; and

WHEREAS, the proposed height of the building at the eight points evaluated by the FAA is as follows: 209'-0" (AMSL (equivalent to NAVD-88)) at FAA Building Points 2, 3, 6 and 7; and 200'-1" (AMSL (equivalent to NAVD-88)) at FAA Building Points1, 4, 5, and 8; and

WHEREAS, the maximum buildings heights approved by the FAA are as follows: 20 feet site elevation (SE) / 184 feet above ground level (AGL) / 204 feet above mean sea level (AMSL) (FAA Building Point 1); 20 feet site elevation (SE) / 190 feet above ground level (AGL) / 210 feet above mean sea level (AMSL) (FAA Building Point 2); 20 feet site elevation (SE) / 190 feet above ground level (AGL) / 210 feet above mean sea level (AMSL) (FAA Building Point 3); 20 feet site elevation (SE) / 184 feet above ground level (AGL) / 204 feet above mean sea level (AMSL) (FAA Building Point 4); 20 feet site elevation (SE) / 184 feet above ground level (AGL) / 204 feet above mean sea level (AMSL) (FAA Building Point 5); 20 feet site elevation (SE) / 190 feet above ground level (AGL) / 210 feet above mean sea level (AMSL) (FAA Building Point 6); 20 feet site elevation (SE) / 190 feet above ground level (AGL) / 210 feet above mean sea level (AMSL) (FAA Building Point 7); 20 feet site elevation (SE) / 184 feet above ground level (AGL) / 204 feet above mean sea level (AMSL) (FAA Building Point 8);

WHEREAS, the Board notes that the FAA Determination is conditioned upon the following items, all of which the Board adopts as conditions to the issuance of the subject special permit: (1) the proposed building must be marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), and 12; (2) the applicant must file FAA Form 7460-2, Notice of Actual Construction or Alteration in the event that the project is abandoned as well as at least ten (10) days prior to the start of construction and within five (5) days after construction reaches its greatest height; and

WHEREAS, the Board notes that the FAA-approved height includes all appurtenances to the building; and

WHEREAS, accordingly, the Board notes that the proposed building heights are equal to those approved by the FAA; and

WHEREAS, the Board notes that the FAA regulations are similar to those found in the ZR but differ slightly based on updated reference points and runway elevations; and

WHEREAS, the applicant has also submitted requests for approval to the Port Authority of New York/New Jersey (PA), which operates LaGuardia Airport; and

WHEREAS, as reflected in a no objection letter dated March 3, 2015, the PA approves of the project and references the FAA Determination; and

WHEREAS, the Board notes that its review was limited to the request for an increase in height above that permitted as-of-right, pursuant to the special permit; and

WHEREAS, based upon the above, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-66 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist, CEQR No. 15-BSA-210Q, dated May 29, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issued a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-66 and 73-03, to permit, within an R6 (C2-2) zoning district the construction of a 16-story mixed-use commercial/community facility/residential building which exceeds the maximum height limits around airports, contrary to ZR §§ 61-21 and 61-22; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received September 2, 2015"- (17) sheets and *on further condition*:

THAT the maximum height of the buildings, including all appurtenances, shall be as follows: 209'-0" (AMSL (equivalent to NAVD-88)) at FAA Building Points 2, 3, 6 and 7; and 200'-1" (AMSL (equivalent to NAVD-88)) at FAA Building Points1, 4, 5, and 8;

THAT the proposed building must be marked/lighted in accordance with FAA Advisory circular 70/7460-1 K

Change 2, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), and 12;

THAT the relief granted herein is only that associated with ZR § 73-66 and all construction at the site shall be as approved by DOB and must comply with all relevant Building Code and zoning district regulations;

THAT the applicant must comply with all FAA notification requirements associated with the construction at the site including, without limitation, that the applicant must file FAA Form 7460-2, Notice of Actual Construction or Alteration in the event that the project is abandoned as well as at least ten (10) days prior to the start of construction and within five (5) days after construction reaches its greatest height;

THAT substantial construction be completed in accordance with ZR § 73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all of applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

89-10-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Mercer Sunshine LLC, owner.

SUBJECT – Application June 30, 2015 – Extension of Time to Complete Construction of a previously approved variance allowing the conversion of the first floor and cellar level of an existing three-story building to a commercial retail use (UG6); Waiver of the Rules. M1-5B zoning district.

PREMISES AFFECTED – 53 Mercer Street, West side of Mercer Street, between Grand and Broome Street, Block 0474, Lot 014, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4

Negative:.....0

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure and for an extension of time to complete construction pursuant to a variance, which permitted the conversion of the first floor and cellar levels of an existing three-story building to a commercial retail use, pursuant to ZR § 72-21; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson performed an inspection of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of Mercer Street between Broome Street and Grand Street, in an M1-5B zoning district, in the SoHo-Cast Iron Historic District, in Manhattan; and

WHEREAS, the site has approximately 25 feet of frontage along Mercer Street, 2,500 sq. ft. of lot area, and is occupied by a three (3) story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 23, 2010, when, under the subject calendar number, the Board granted a variance permitting the conversion of the first floor and cellar floor levels of an existing building to a commercial retail use, contrary to the use regulations under ZR §§ 42-10 and 42-14(d)(2)(b); and

WHEREAS, construction was to be substantially completed by November 23, 2014, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that while building permits were obtained and some work was completed pursuant to the variance, further construction has been delayed due to a change in ownership; and

WHEREAS, the applicant states that the current owners acquired the subject premises in 2013, more than two years after the November 23, 2010 resolution; and

WHEREAS, the applicant states that the current owners have, as a consequence, faced practical difficulties in completing construction within four years of the grant of the variance; and

WHEREAS, accordingly, the applicant seeks: (1) an extension of an additional four (4) years to substantially complete construction; and

WHEREAS, in addition, the application for extension of time to complete construction was not timely file; and

WHEREAS, by submission dated June 30, 2015, the applicant requests a waiver of BSA Rules of Practice and Procedure § 1-07.3(c)(2); and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated November 23, 2010, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to November 23, 2018; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction shall be completed by November 23, 2018;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other

applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(DOB Application No. 110296028)

Adopted by the Board of Standards and Appeals, October 27, 2015.

183-04-BZ
APPLICANT – Sheldon Lobel, P.C., for Dynasty 23 Street Realty, Incorporated, owner; Horizon 881 LLC, lessee.
SUBJECT – Application February 25, 2015 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of physical culture establishment on the second floor of a five story commercial building, which expired on October 26, 2014; Amendment to permit the change in operation as well as minor deviations from the previously approved plans; Waiver of the Rules. C6-3X zoning district.
PREMISES AFFECTED – 206 West 23rd Street, southside of West 23rd Street between 7th Avenue and 8th Avenue, Block 00772, Lot 52, Borough of Manhattan.
COMMUNITY BOARD #4M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 17, 2015, at 10 A.M., for decision, hearing closed.

266-04-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Gwynne Five LLC, owner; TSI Cobble Hill, LLC dba NY Sports Club, lessee.
SUBJECT – Application February 17, 2015 – Extension of the Term and Amendment (73-11) to request an extension of the term of a previously granted special permit to allow the operation of a physical culture establishment at the premises and also request an Amendment to change the hours of operation. C2-3 zoning district.
PREMISES AFFECTED – 96 Boreum Place, southwesterly corner of Boerum Place and Pacific Street, Block 00279, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #2M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 17, 2015, at 10 A.M., for decision, hearing closed.

340-05-BZ
APPLICANT – The Law Office Fredrick A. Becker, for Chelsea Eighth Realty LLC, owner; TSI West 16, LLC dba NY Sports Club, lessee.
SUBJECT – Application November 19, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the legalization of a physical culture establishment (PCE), located in the portions of the cellar and first floor of an existing 22-story mixed-use building, which expired on October 25, 2014. C1-6A, C6-2A, R8B zoning districts.
PREMISES AFFECTED – 270 West 17th Street aka 124-128 Eight Avenue, east side of 8th Avenue, with additional frontage, between West 16th Street and West 17th Street,Block 00766, Lot(s) 1101, 1102, Borough of Manhattan.
COMMUNITY BOARD #4M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 17, 2015, at 10 A.M., for decision, hearing closed.

47-10-BZ
APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.
SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.
PREMISES AFFECTED – 895 Zerega Avenue aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.
COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for continued hearing.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

APPEALS CALENDAR

97-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP., for Douglas Road Development, LLC., owner.
SUBJECT – Application May 5, 2015 – Proposed construction of residential building that does not front on a legally mapped street, pursuant to Article 3, Section 36 of the General city Law. R1-1 NA LDGMA zoning district.
PREMISES AFFECTED – 221 Douglas Road, southeast corner of intersection of Douglas Road and Briggins Lane, Block 0830, Lot 035, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated April 10, 2015 acting on DOB Application No. 520232837, reads in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a residence which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on October 27, 2015 after due notice by publication in *The City Record*, and then to decision on October 27, 2015; and

WHEREAS, Commissioner Montanez performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommended approval of this application; and

WHEREAS, the applicant represents that the subject site will be one of three tax lots to be apportioned from existing tax Lots 35, 39, and 45 and that the three new tax lots (New Lot 35, New Lot 39, and New Lot 36) will comprise a single zoning lot with a total lot area of 39,161 sq. ft.; and

WHEREAS, the applicant represents further that an Application for Mergers or Apportionments was submitted to the New York City Department of Finance, Property Division – Tax Map Office on or around February 9, 2015; and

WHEREAS, the current application is only with regards to New Lot 35;

WHEREAS, the subject site is located on the southeast corner of Douglas Road and Briggins Lane, within an R1-1 zoning district, within the Special Natural Area District, on Staten Island; and

WHEREAS, the applicant proposes to construct a one (1) family, three (3)-story building with 6,002 sq. ft. of floor area and a floor area ratio (FAR) of 0.15 and provide two (2) accessory parking spaces; and

WHEREAS, by letter dated July 23, 2015, the Fire Department stated that it had no objections nor recommendations to the proposal; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 10, 2015, acting on DOB Application No. 520232837, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received August 24, 2015"-(1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT all necessary approvals from the Department of City Planning (DCP) shall be obtained;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

132-15-A & 133-15-A
APPLICANT – Joseph Loccisano (Sanna Loccisano Architects, PC), for Selim Rusi, owner.
SUBJECT – Application June 4, 2015 – Proposed construction of a single family home not fronting on a legally mapped street contrary to Section 36 Article 3 of the General City Law. R1-1 zoning district.
PREMISES AFFECTED – 163 Benedict Road, east side of Benedict Road, 167.93' north of the corner of St. James Avenue and Benedict Road, Block 0868, Lot 030, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated May 5, 2015 acting on DOB Application Nos. 520240007 and 520241373 reads in pertinent part:

The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:

A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;

B) Proposed construction does not have at least 8% of the total perimeter of building(s) fronting directly upon a legally mapped street or frontage space contrary to section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of two (2) residences which do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on October 27, 2015 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Montanez performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommended approval of this application; and

WHEREAS, the subject application applies to two proposed tax lots to be apportioned from existing Lot 9, a single zoning lot located on the east side of Benedict Road between St. James Place and Circle Road, with frontage on both the east side of Benedict Road and the west side of St. James Place, within an R1-1 zoning district, in the Special Natural Area District, on Staten Island; and

WHEREAS, the applicant proposes to divide existing Lot 9 into two (2) new through lots with frontages on both the east side of Benedict Road and the west side of St. James Place—New Lot 9 (or "147 Benedict Road") with approximately 120 feet of frontage along Benedict Road, and New Lot 30 (or "163 Benedict Road"), with approximately 100 feet of frontage along Benedict Road; and

WHEREAS, an Application for Mergers or Apportionments to apportion existing Lot 9 into New Lot 9 and New Lot 30 was submitted to the New York City Department of Finance, Property Division – Tax Map Office in or around November 2013; and

WHEREAS, the applicant further proposes to develop each lot with a single family detached residence fronting Benedict Road, which is not Final Mapped, but received an Opinion of Dedication for 25' to 38' as-in-use on November 14, 1991; and

WHEREAS, the residence proposed at 147 Benedict Road will have a total of 7,330 sq. ft. of floor are and a floor area ratio (FAR) of 0.17, and the residence proposed at 163 Benedict Road will have a total of 5,806 sq. ft. of floor area and a FAR of 0.16; and

WHEREAS, by letter dated October 23, 2015 the Fire Department states that it has no objections or recommendations to the proposal; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated May 5, 2015, acting on DOB Application Nos. 520240007 and 520241373, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawings filed with the application marked "Received August 24, 2015"- (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

67-13-A

APPLICANT – Board of Standards and Appeals

OWNER OF PREMISES – OTR MEDIA GROUP, INC & OTR 945 Zerega.

SUBJECT – Application August 13, 2014 – Reopening by court remand for supplemental review of whether a sign at the subject site was a permitted non-conforming advertising sign in light of the Board's decision in BSA Cal. No. 96-12-A. M1-1 zoning district.

PREMISES AFFECTED – 945 Zerega Avenue, between Quimby Avenue and Bruckner Boulevard, Block 3700, Lot 31, Borough of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Laid over to January 12, 2016, at 10 A.M., for continued hearing.

163-14-A thru 165-14-A

APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.

SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.

PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

12-15-A & 13-15-A
APPLICANT – Prospect Place Development, LLC, for Prospect Place Development LLC, by Leonid Loyfman, owner.
SUBJECT – Application January 21, 2015 – Proposed construction of one family detached dwelling does not front on a legally mapped street contrary to Section 36, of the General City Law. R3X zoning district.
PREMISES AFFECTED – 53 Prospect Place, north side of Prospect Place, 476.88' from the corner formed by the intersection of the west side of Amboy Road, Block 04306, Lot 27, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

73-15-A & 74-15-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Ashland Building LLC., owner.
SUBJECT – Application March 31, 2015 – Proposed construction of buildings that do not front on a legally mapped street, pursuant to Section 36 Article 3 of the General City Law. R3X (SRD) zoning district.
PREMISES AFFECTED – 170 Arbutus Avenue, east side of Arbutus Avenue, 513.26' north of intersection of Arbutus Avenue and Louise Street, Block 06552, Lot 0058, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 24, 2015, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

264-13-BZ
CEQR #14-BSA-035M
APPLICANT – Francis R. Angelino, Esq., for David Lowenfeld, owner; BB Fitness dba Brick Crossfit NYC, lessee.
SUBJECT – Application September 6, 2013 – Special Permit (§73-36) to legalize a physical culture establishment (*Brick CrossFit*) on the ground floor and cellar of an existing 10-story building. C6-2A zoning district.
PREMISES AFFECTED – 257 West 17th Street, north side, West 17th Street, between 7th & 8th Avenues, Block 767, Lot 6, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0
Abstain: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated August 6, 2013, acting on DOB Application No. 121548995, reads, in pertinent part:

> Proposed use as a physical culture establishment … is contrary to ZR 32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C6-2A zoning district, a physical culture establishment (the "PCE") which operates on the ground floor and cellar of a 10-story and cellar mixed-use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 15, 2014, after due notice by publication in the *City Record*, with continued hearings on September 9, 2014, October 21, 2014, November 18, 2014, December 9, 2014, January 13, 2015, February 10, 2015, March 31, 2015, May 12, 2015, and September 22, 2015, and then to decision on October 27, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown performed site and neighborhood inspections of the premises and surrounding area; and

WHEREAS, Community Board 4, Manhattan, reserved its recommendation regarding the grant of the subject special permit pending the resolution of litigation arising from the PCE's use of the subject premises, *The Board of Managers of the 257 West 17th Street Condominiums v 257 Associates Borrower LLC and BBP Fitness LLC d/b/a Brick New York,* Sup Ct, New York County, Index No. 160585/13 (the "Litigation"), which was commenced by certain members of the Opposition, defined below; and

WHEREAS, unit owners in the subject Building object to this application on the grounds that the PCE constitutes a nuisance in that excessive noise and vibrations emanating from the PCE space, and resulting from PCE activity therein, have been a regular and significant disturbance since the PCE began operating unlawfully in July of 2013; and

WHEREAS, the following owners and/or occupants of units within the subject building have appeared before, or submitted objections or testimony to, the Board, in opposition to the subject application: Susan and Zachary Gomes (Apt. 2A); Anthony Yu (Apt. 2B); Jessica Forbes (Apt. 2C); Martin Kelsohn (Apt. 2D); Catherine Havemeyer (Apt. 3A); Josh and Tracey McCarter (Apt. 4A); Natalie Silva (Apt. 4B); Charles S. Rich (Apt. 5A); Gina H. Son (Apt. 5D); Charles Thanhauser (Apt. 6B); Christine Zivkovic (Apt. 7C); Kevin Singer (Apt. 8D) (collectively, the foregoing owners and occupants, together with others who opposed the subject application, are

referred to herein as the "Opposition"); and

WHEREAS, the subject site has approximately 127 feet of frontage along the north side of West 17th Street, between 7th Avenue and 8th Avenue, in Manhattan; and

WHEREAS, the site contains approximately 11,688 sq. ft. of lot area and is located within a C6-2A zoning district; it is occupied by a 10-story mixed-use (residential and commercial) building; and

WHEREAS, the PCE occupies approximately 8,387 sq. ft. of floor space in the building, consisting of 6,457 sq. ft. of floor area on the ground floor and 1,930 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE has divided its space into three classrooms; Classroom 1, referred to as "Central Park" by the PCE is the larger of the two ground-floor studios; Classroom 2, referred to as "East Village" by the PCE is the smaller of the two ground-floor studios, and does not contain any PCE equipment; Classroom 3, referred to as "Downtown" by the PCE, is located in the cellar of the building; and

WHEREAS, the PCE operates as Brick Fitness; and

WHEREAS, the Board notes that the Litigation is pending and that pursuant to the Court's Interim Temporary Order dated November 15, 2013, the PCE is required to use best efforts to ensure that users of the PCE refrain from dropping weights and/or weighted objects on the floors and/or walls of the subject premises between the hours of 7:30 a.m. and 8:30 p.m.; and

WHEREAS, the Board notes that, notwithstanding the Court's Interim Temporary Order, members of the Opposition maintain that the PCE continues to be a nuisance; and

WHEREAS, the Board notes that it has held an unprecedented number of public hearings on this application, and worked with acoustical engineers representing both the applicant PCE as well as the Opposition, to determine whether and to what extent the PCE can operate at the subject site without constituting an unreasonable nuisance to the residential occupants of the subject building; and

WHEREAS, ultimately, the Board directed the PCE and the Opposition to hire a third-party acoustical engineer to administer a Board-approved test of various activities within the PCE in order to determine the impact of such activities and the viability of the PCE at the site; and

WHEREAS, based on the foregoing test and extensive review of the sound and vibration attenuation measures implemented at the subject premises, the Board has directed the PCE to adhere to a strict operational plan (the "Operational Plan"), which the Board makes a condition of its approval of the subject application; and

WHEREAS, the Board has taken the unusual step of limiting the term of the subject approval to one year, commencing on November 20, 2015, so that the Board can evaluate, upon the expiration of the term, whether and to what extent the PCE adhered to the Operational Plan and whether and to what extent the Operational Plan adequately mitigated the noise and vibration complained of by the Opposition; and

WHEREAS, the hours of operation of the PCE shall be Monday through Friday, from 5:15 a.m. to 9:00 p.m., and Saturday and Sunday, from 7:30 a.m. to 4:00 p.m., subject to programmatic limitations imposed as conditions herein, and below; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that, upon adherence to the conditions imposed herewith, this action will neither (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; nor (3) be detrimental to the public welfare; and

WHEREAS, the Board also finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. No. 14-BSA-035M, dated August 22, 2013; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to legalize, on a site within a C6-2A zoning district, a physical culture establishment (the "PCE") which operates on the ground floor and cellar of 10-story and cellar mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this

application marked "Received October 9, 2015," – Ten (10) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on November 20, 2016;

THAT the PCE shall strictly adhere to the following operational plan:

General Restrictions:

- The hours of operation of the PCE shall be Monday through Friday, from 5:15 a.m. to 9:00 p.m., and Saturday and Sunday, from 7:30 a.m. to 4:00 p.m., subject to programmatic limitations imposed as conditions herein;
- Under no circumstances are weight drops, from any height, permitted anywhere at the PCE premises outside of Classroom 1 and Classroom 3;
- The sound level from the music limiter throughout the entire PCE premises shall remain fixed to prevent the sound from the PCE from exceeding 73 dBA/83 dBC with the wall mounted volume control at the maximum level regardless of the source of the program;
- All weight lifting stations within the PCE must utilize Rogue pads placed on top of sound absorbing weight platforms, as indicated on BSA-approved plans

Ground Floor Restrictions:

- Under no circumstances are PCE staff or customers permitted to use barbells with a weight in excess of 115 lb. on the ground floor of the PCE premises;
- Under no circumstances are PCE staff or customers permitted to use medicine balls with a weight in excess of 20 lb. on the ground floor of the PCE premises;
- Under no circumstances are PCE staff or customers permitted to use kettlebells with a weight in excess of 45 lb. on the ground floor of the PCE premises;
- Under no circumstances are PCE staff or customers permitted to use dumbbells with a weight in excess of 45 lb. on the ground floor of the PCE premises;
- Under no circumstances may the activity of hitting a wall with a medicine ball ("Wall Ball") be practiced on the ground floor of the PCE premises;
- All PCE activities on the ground floor of the subject building must be supervised by PCE faculty, and the PCE may not permit any open gym activities on the ground floor of the subject building;

Classroom 1 ("Central Park")

- The PCE may offer the following class in Classroom 1: "Functional Fitness," a strength and skill class that incorporates weight training as well as skill exercises (gymnastics, including pull-ups, handstands, etc.) and metabolic conditioning;
- Classroom 1 contains (and may not exceed) 16 weight-lifting stations, all of which must utilize Rogue pads placed on top of sound absorbing weight platforms, as indicated on BSA-approved plans;
- Barbell movements incorporated into classes held within Classroom 1 are permitted but participants may not perform, nor may the PCE permit, drops of weights or weighted objects from any point higher than "waist height";
- Under no circumstances are weight drops, from any height, permitted in Classroom 1 (or elsewhere on the ground floor of the PCE premises) before 7:00 a.m. or after 9:00 p.m.;
- Weight drops of any kind, of any weight, are prohibited at all times at that portion of Classroom 1 designated "G-2" on the BSA-approved plans;
- No more than 18 attendees are permitted to attend any class offered within Classroom 1 at one time;
- Outside of scheduled classes, Classroom 1 ("Central Park") is to remain empty and unused;

Classroom 2 ("East Village")

- The PCE may offer the following classes in Classroom 2 ("East Village"): "BX Class," which utilizes bodyweight exercises and calisthenics, and which incorporates medicine balls, kettlebells, and dumbbells; "Mobility Class," which utilizes foam rollers, resistance bands, and yoga mats (and no weights or weighted objects); and "Yoga Class," which utilizes yoga mats (and no weights or weighted objects);
- No more than 40 attendees are permitted to attend Yoga Class at one time;
- No more than 32 attendees are permitted to attend Mobility Class at one time;
- No more than 24 attendees are permitted to attend BX Class at one time;
- Outside of scheduled classes, Classroom 2 ("East Village") is to remain empty and unused;
- Weight drops of any kind, of any weight, are prohibited within Classroom 2;

Cellar-Level Restrictions:

- Under no circumstances are PCE staff or customers permitted to use barbells with a weight in excess of 135 lb. in the cellar-level of the PCE premises;
- Under no circumstances are PCE staff or customers permitted to use medicine balls with a weight in excess of 20 lb. in the cellar-level of the PCE premises;
- Under no circumstances are PCE staff or customers permitted to use kettlebells with a

weight in excess of 70 lb. in the cellar-level of the PCE premises;

- Under no circumstances are PCE staff or customers permitted to use dumbbells with a weight in excess of 45 lb. in the cellar-level of the PCE premises;

Classroom 3 ("Downtown")

- The PCE may offer the following class in Classroom 3: "B Fit Class," which includes warm-ups, skill/strength, and workout / High Intensity Interval Training; B Fit Class incorporates barbells, medicine balls, dumbbells and kettlebells, training with no weights in excess of 135 lb. permitted;
- "Overhead Drops" of weights or weighted objects is not permitted in Classroom 3 ("Downtown") or elsewhere within the PCE premises;
- No more than 18 attendees are permitted to attend B Fit Class at one time;
- The PCE may permit "Open Gym" in Classroom 3, which is managed by PCE staff;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT fire safety measures shall be installed and/or maintained as shown on the BSA-approved plans;

THAT sound and vibration attenuation measures shall be installed and/or maintained as shown on the BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 1, 2016;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

213-14-BZ

APPLICANT – Law Office of Steven Simicich, for Wayne Bilotti, owner.

SUBJECT – Application August 29, 2014 – Variance (§72-21) for the construction of a single family detached home contrary to ZR 23-32 for minimum lot area. R2 zoning district.

PREMISES AFFECTED – 165 Wooley Avenue, Woolley Avenue between Lathrop and Garrison Avenues, Block 00419, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated July 31, 2014, acting on Department of Buildings Application No. 520191729, reads, in pertinent part:

> The zoning lot has less than the prescribed min[imum] lot area and is contrary to Sec. 23-32 (ZR); and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R2 zoning district mapped within a Lower Density Growth Management Area (LDGMA), the construction of a single-family home on a zoning lot that does not comply with minimum lot area requirements, contrary to ZR § 23-32; and

WHEREAS, a public hearing was held on this application on July 21, 2015, after due notice by publication in *The City Record*, with a continued hearing on September 1, 2015 and then to decision on October 27, 2015; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Commissioner Montanez; and

WHEREAS, Community Board 1, Staten Island, recommends disapproval of this application; and

WHEREAS, City Councilmember Steven Matteo and Staten Island Borough President James S. Oddo provided written testimony in opposition to the application, citing concerns about neighborhood character and additional building density; and

WHEREAS, the subject site is an interior lot located on the east side of Woolley Avenue, between Garrison Avenue and Lathrop Avenue, within an R2 zoning district (LDGMA); and

WHEREAS, the site, which is vacant, has 40 feet of frontage along Woolley Avenue, a depth of 90 feet, and a lot area of 3,600 sq. ft.; and

WHEREAS, the applicant seeks to construct a single-family home on the site with the following bulk parameters: two stories, 1,725 sq. ft. of floor area (0.48 FAR), a front yard depth of 15'-0", side yards with widths of 8'-0" and 5'-0", a rear yard depth of 30'-0", and two accessory off-street parking spaces; and

WHEREAS, the applicant notes that the proposal

complies in all respects with the bulk regulations applicable in the subject zoning district (including lot width), except that the existing lot area of 3,600 sq. ft. is less than the minimum required lot area pursuant to ZR § 23-32 (*Special Provisions for Existing Small Lots*) (3,800 sq. ft. is the minimum required); accordingly, the applicant seeks a variance of that requirement; and

WHEREAS, further, ZR § 23-33 requires that undersized lots in LDGMA areas be owned separately and individually from all other adjoining tracts of land on December 8, 2005 and on the date of application for a building permit to allow for development; and

WHEREAS, the applicant notes that subject Lot 13 was owned in conjunction with adjacent Lot 15 from 1952 until 2008, so it does not meet the requirements of ZR § 23-33; and

WHEREAS, the applicant notes that both Lot 13 and Lot 15 have widths of 40 feet and lot area of 3,600 sq. ft. but that Lot 15 has been occupied by a single-family home since approximately the 1940s while Lot 13 has remained vacant; and

WHEREAS, the applicant notes that in April 2008, the site was rezoned to be within an R2 zoning district, rather than an R3X zoning district and that the site complied with R3X zoning district regulations including minimum lot size; and

WHEREAS, the applicant states that the following are unique physical conditions inherent to the zoning lot, which create practical difficulties and unnecessary hardship in developing the site in strict conformance with underlying zoning regulations, per ZR § 72-21(a): (1) its vacancy; and (2) its historic configuration and zoning; and

WHEREAS, as to vacancy, the applicant notes that the lot is the only vacant lot within a 200-ft. radius of the site and one of 12 within two blocks north and south and three blocks east and west of the site within the R2 zoning district that is not developed; and

WHEREAS, the applicant's study reflects that of the 12 vacant lots, five meet the R2 zoning district requirements and can be built upon as of right; six are undersized but are owned with an adjacent lot and used as a yard; and the final one is significantly undersized with a lot width of 20 feet, depth of 75 feet, and lot area of only 1,500 sq. ft.; and

WHEREAS, accordingly, the applicant concludes that the subject lot is the only one in the study area that is only slightly undersized (by 200 sq. ft.) and not owned in conjunction with an adjacent lot; and

WHEREAS, the applicant asserts that if the vacant lot were merged with an adjacent lot, the new lot would have a width twice that of the typical 40 feet in the area; and

WHEREAS, further, the applicant asserts that all three of the adjacent lots are already developed with homes that were built between 1940 and 1950, thus, merging with one of them would likely result in an existing home being demolished on the other lot or significantly altered and would result in a large new home out of context with the neighborhood; and

WHEREAS, as to the history of the lot, at the Board's direction, the applicant reviewed the configuration and ownership history of the adjoining lots; the study reflects that the subject lot has existed in its current dimensions since at least 1907; and

WHEREAS, the study also reflects that the 40-ft. by 90-ft. lot is identical in size to all lots on the subject block and the majority on adjacent blocks, which are already developed with single-family homes; under current zoning, none of the lots on the block have a sufficient size; and

WHEREAS, accordingly, the applicant asserts that the historic size is characteristic of the area and the expectation to construct an otherwise complying single-family home; and

WHEREAS, the applicant submitted a letter from a title company, which states that since 1953-54 to the present day, the subject lot has not been sub-divided or merged with any adjacent lot; and

WHEREAS, the applicant asserts that in August 2007 when a new owner purchased the vacant Lot 13 and Lot 15 (occupied by a single-family home), Lot 13 could have been developed under the R3X zoning district in effect until April 2008; and

WHEREAS, thus, the applicant asserts that until 2008, when the lot had been in existence for at least 100 years, one could have constructed a single-family home on the lot in full accordance with zoning; and

WHEREAS, the applicant states that without the waivers, no residence could be constructed on the property; and

WHEREAS, the Board notes that the lot dimensions are historic and consistent with the surrounding area but the exception set forth at ZR § 23-33 is not available due to the ownership status on December 8, 2005; and

WHEREAS, accordingly, the Board finds that the aforementioned unique physical conditions create a practical difficulty in developing the site in compliance with the applicable zoning provisions; and

WHEREAS, the applicant represents that, pursuant to ZR § 72-21(c), the proposed home will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant notes that the proposed home complies with all R2 (LDGMA) zoning district parameters aside from lot area; and

WHEREAS, specifically, the applicant's submissions reflect that all of the lots on the subject block have identical dimensions of 40 feet by 90 feet and all are occupied by single-family homes except the subject vacant lot; and

WHEREAS, the applicant also notes that the 3,600-sq.-ft. lot area is only 200 sq. ft. smaller than the minimum required 3,800 sq. ft. and that the width of 40 feet satisfies the minimum requirement; thus, the perception from the street is that the lot is zoning compliant; and

WHEREAS, the applicant notes that the other homes on the block and in the surrounding area were primarily built prior to 1961; and

WHEREAS, the Board has reviewed the zoning maps and area study and notes that the subject lot is identical in size to all lots on the block (and the majority on adjacent blocks), which are occupied by single-family homes comparable to the proposed; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, pursuant to ZR § 72-21(d), the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is the result of the lot's historic dimensions which are identical to all other lots on the block and which could have allowed a single-family home until the zoning change to R2 in 2008; and

WHEREAS, as to the minimum variance requirement set forth at ZR § 72-21(e), the applicant notes that it complies with all R2 zoning district parameters except for the minimum lot area, of which it is only deficient by approximately 200 feet (or five percent of the required width of 3,800 sq. ft.); and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21, to permit, within an R2 zoning district mapped within a Lower Density Growth Management Area (LDGMA), the construction of a single-family home on a zoning lot that does not comply with minimum lot area requirements, contrary to ZR § 23-32; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 24, 2015"– (10) sheets; and *on further condition*:

THAT the bulk will be limited to two stories, 1,725 sq. ft. of floor area (0.48 FAR), a front yard depth of 15'-0", side yards with widths of 8'-0" and 5'-0", a rear yard depth of 30'-0", and two accessory off-street parking spaces, as reflected on the BSA-approved plans;

THAT substantial construction will be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

78-15-BZ
CEQR #15-BSA-191M
APPLICANT – Eric Palatnik, P.C., for 201 East 66th Street LLC., owner; 66th Street Fitness Corp., lessee.
SUBJECT – Application April 9, 2015 – Special Permit (§73-36) to permit the operation of a Physical Culture Establishment (*Crunch Fitness*) on the first floor and sub-cellar of a twenty one (21) story mixed-use building. C1-9 zoning district.
PREMISES AFFECTED – 201 East 66th Street aka 1131 Third Avenue, between 66th and 67th Street, Block 01421, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0
Abstain: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 12, 2015, acting on Department of Buildings Application No. 122274957, reads in pertinent part:

> "Proposed 'Physical Culture Establishment' is not permitted As-Of-Right as per section ZR 32-21 and a special permit by the Board of Standards and Appeals (BSA) is required to comply with ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C1-9 zoning district, the operation of a physical culture establishment (PCE) in a twenty-one (21) story mixed-used building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 18, 2015 after due notice by publication in *The City Record*, and then to decision on October 27, 2015; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and

surrounding neighborhood; and

WHEREAS, the subject site is a corner through-lot located on the east side of Third Avenue, between East 66th and East 67th Streets; and

WHEREAS, the site has approximately 100 feet of frontage along East 66th Street, 201 feet of frontage along Third Avenue, 100 feet of frontage along East 67th Street, and 20,083 sq. ft. of lot area, and is occupied by a twenty-one (21) story and cellar mixed-use building; and

WHEREAS, the proposed PCE will occupy approximately 1,600 sq. ft. on the first floor and 8,400 sq. ft. in the cellar level of the building, for a total of 10,0000 sq. ft.; and

WHEREAS, the PCE will be operated as Crunch Fitness; and

WHEREAS, the applicant represents that the PCE will include aerobic and weight-lifting equipment and offer group and individual classes and personal training; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 5:00 a.m. to 12:00 a.m., and Saturday through Sunday, 8:00 a.m. to 8:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department, by letter dated September 3, 2015, states that it has no objections to the proposal, but requests that the applicant confirm that the cellar is sprinkler protected; and

WHEREAS, the applicant provided photographic proof of sprinkler protection in the cellar in satisfaction of the Fire Department's concerns; and

WHEREAS, the applicant provided the Board with plans of the proposed sound attenuation measures, including wood floating floors in the fitness rooms, rolled rubber matter in the spin studio, and vibration isolating blocks, plywood and rubber matting tiles in the free weight area; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-191M, dated April 9, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C1-9 zoning district, the operation of a PCE in the cellar and first floor levels of a twenty-one (21) story plus cellar mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 1, 2015"- Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on October 27, 2025;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT sound attenuation measures shall be implemented and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 27, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

5-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Israel Ashkenazi & Racquel Ashkenazi, owner.

SUBJECT – Application January 9, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141); side yards (§23-461) and rear yard (§23-47) regulations. R3-2 zoning district.

PREMISES AFFECTED – 1807 East 22nd Street, east side of East 22nd Street between Quentin Road and Avenue R, Block 6805, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson,

Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 24, 2015, at 10 A.M., for decision, hearing closed.

60-14-BZ
APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.
SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.
PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.
COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Laid over to January 12, 2016, at 10 A.M., for continued hearing.

179-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lillian Romano and Elliot Romano, owners.
SUBJECT – Application July 29, 2014 – Special Permit (§73-622) for the enlargement and conversion of an existing two family residence to single family residence contrary to the rear yard requirement (ZR 23-47). R5 zoning district.
PREMISES AFFECTED – 1937 East 14th Street, east side of East 14th Street between Avenue S and Avenue T, Block 07293, Lot 74, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 24, 2015, at 10 A.M., for continued hearing.

204-14-BZ
APPLICANT – Sheldon Lobel, P.C., for Wythe Berry LLC, owner.
SUBJECT – Application August 25, 2014 – Special Permit (§73-44) for reduction of required off-street parking spaces for proposed ambulatory diagnostic or treatment health care facilities (UG 4A) and commercial office use (UG 6B listed in Use Group 4 and PRC-B1. M1-2 Zoning District.
PREMISES AFFECTED – 55 Wythe Avenue, between North 12th Street and North 13th Street, Block 2283, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Off-Calendar.

316-14-BZ
APPLICANT – Law Office of Jay Goldstein, PLLC, for United Talmudical Academy, owner.
SUBJECT – Application November 25, 2014 – Variance (§72-21) to permit the enlargement of an existing Yeshiva building (Talmudical Academy) for lot coverage (§24-11) and rear yard (§24-36. R6 zoning district.
PREMISES AFFECTED – 115 Heyward Street, northern side of Heyward Street between Lee Avenue and Bedford Avenue, Block 02225, Lot 42, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to December 8, 2015, at 10 A.M., for continued hearing.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to January 12, 2016, at 10 A.M., for adjourned hearing.

REGULAR MEETING
TUESDAYAFTERNOON, OCTOBER 27, 2015
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

69-15-BZ
CEQR #15-BSA-184R
APPLICANT – Glenn V. Cutrona, AIA, for Murray Page 74 LLC, owner.
SUBJECT – Application March 30, 2015 – Variance (§72-21) a proposed eating and drinking establishment with accessory drive through facility, located within an R3X/C1-1/SRD zoning district.
PREMISES AFFECTED – 245 Page Avenue, between Richmond Valley Road and Amboy Road, Block 08008, Lot 74, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

Abstain: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated March 26, 2015, acting on Department of Buildings Application No. 520233024, reads in pertinent part:

> Proposed eating and drinking establishment with accessory drive through facility located in a C1-1 district is not allowable as per Section 32-15 of the New York City Zoning Resolution and would require a special permit pursuant to Section 73-243. As the proposed development is located within the Special South Richmond Development District, Section 73-243 is not applicable. Therefore, refer to the Board of Standards and Appeals pursuant to Section 72-21 for a variance; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, the construction of an eating and drinking establishment with a drive thru window, contrary to ZR §§ 32-15 and 73-243; and

WHEREAS, a public hearing was held on this application on September 22, 2015, after due notice by publication in *The City Record*, and then to decision on October 27, 2015; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is an irregularly shaped lot with approximately 290 feet of frontage along the east side of Page Avenue between Amboy Road, to the south, and Richmond Valley Road, to the north, partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, in Staten Island; the site has a total lot area of 53,067 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to subdivide Lot 74 into two lots—Tentative Lot 73, the southeasterly portion of the lot completely located within an R3X zoning district with a total lot area of 18,578 sq. ft., and New Lot 74, the remainder of the lot located partially within an R3X zoning district and partially within an R3X (C1-1) zoning district with 6,950 sq. ft. of lot area in an R3X zoning district, 27,539 sq. ft. of lot area in an R3X (C1-1) zoning district and a total lot area of 34,489 sq. ft.; and

WHEREAS, this application is only with regards to New Lot 74; and

WHEREAS, the applicant further proposes to construct a one-story commercial fast food restaurant with a drive-thru component (Use Group 6) within the R3X (C1-1) portion of New Lot 74 fronting Page Avenue, with 2,608 sq. ft. of floor area, and 19 accessory off-street parking spaces; and

WHEREAS, the proposed restaurant would be accessed from a cross access easement and a curb cut on lot 71, located immediately south of the subject site, because the topography of the site makes direct access to the site from Page Avenue unfeasible; and

WHEREAS, an application related to the proposal is currently filed with the New York City Department of City Planning ("DCP") for Special South Richmond District authorization for the Modification of Existing Topography under ZR § 107-65 and certification for the subdivision of the lot under ZR § 107-08; and

WHEREAS, the applicant's proposed use is allowed in a C1-1 zoning district by Special Permit pursuant to ZR §§ 32-15 and 73-243 except in Special Purpose Districts; and

WHEREAS, because the subject site is located within the Special South Richmond Development District, the applicant must seek permission pursuant to a variance under ZR § 72-21; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: presence of New York State Department of Environmental Conservation ("DEC") tidal and tidal adjacent wetlands areas; significant topographical variations within the lot; the location of the site in a flood zone AE and minimally within a Flood Zone X; and poor soil conditions and a high water table; and

WHEREAS, the 26,290 sq. ft. of lot area (out of 34,489 sq. ft. of total lot area, or approximately 76 percent of the site) located within tidal and tidal adjacent wetlands areas reduce the developable area of the site; and

WHEREAS, the DEC permit, issued January 22, 2015, represents that the maximum development allowed on the subject lot is a building with 2,608 sq. ft. of floor area and a floor area ratio ("FAR") of 0.08, a small fraction of the 27,539 sq. ft. (1.00 FAR) of maximum floor area permitted on New Lot 74 for commercial use pursuant to ZR § 33-121; and

WHEREAS, the DEC has also required that the applicant set aside an area of no disturbance, install wetland mitigation plantings and use pervious pavement for drainage; and

WHEREAS, the east side of the lot rises significantly towards Page Avenue as the road approaches the Page Avenue Bridge that spans over Staten Island Rapid Transit railroad tracks and Mill Creek, both located directly north of New Lot 74; and

WHEREAS, in order to develop New Lot 74, the topography must be modified so as to grade the portion that rises to Page Avenue and the Page Avenue Bridge; accommodate the installation and ensure the functioning of dry wells and septic system required due to the lot's naturally high water table; and support the proper and safe circulation of vehicles and pedestrians on the site; and

WHEREAS, the Board agrees that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance

with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) construction of a one-story 2,607 sq. ft. commercial building with on-site parking for 19 cars, but without a drive-thru facility ("As-of-Right Commercial") and (2) the proposal; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, specifically, the applicant argues that the inclusion of a drive-thru operation in the proposed use would generate greater sales for a tenant than in the As-of-Right Commercial scenario and allow the applicant to demand greater rents per square foot of building area; and

WHEREAS, the applicant further argues that the significant additional revenue generated as a result of the drive-true operation will attract tenants willing to assume some of the costs associated with the construction of the building, which would reduce the applicant's costs and increase the applicant's investment return; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that Page Avenue is an arterial street with two lanes in each direction developed as a major commercial strip for nearby residents; commercial buildings with drive-thru operations are located directly across the street from the subject site; a significant portion of the Tentative Lot 73, located in an R3X zoning district, will not be developed because it has been established by the DEC as an area of no disturbance; there are plantings between New Lot 74 and Tentative Lot 73 to buffer the site from any future residential use on Tentative Lot 73; there are also plantings along Page Avenue that screen the parking on the site from pedestrians; traffic to and from the subject site will not interfere with traffic flow on Page Avenue because cars will use the cross access easement and existing curb cut on Lot 71 and queue for the drive-in operation onsite; and

WHEREAS, in response to questions from the Board, the applicant further asserts that the annunciator used in the drive-thru operation will not negatively affect the public; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15-BSA-184R, dated July 23, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Fire Department, by letter dated June 19, 2014, offers no objection to the proposal but set forth the following requirements as conditions of approval: (1) the commercial occupancy must be fully sprinklered in conformity with the sprinkler provisions of the New York City Building Code & New York City Fire Code and (2) fire hydrant location must be within 100' of the Siamese connection for 254 Page Avenue; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, the construction of an eating and drinking establishment with a drive thru window, contrary to ZR §§ 32-15 and 73-243, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received

September 29, 2015" – six (6) sheets; and *on further condition*:

THAT the commercial occupancy must be fully sprinklered in conformity with the sprinkler provisions of the New York City Building Code & New York City Fire Code;

THAT fire hydrant location must be within 100'-0" of the Siamese connection for 254 Page Avenue;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

226-15-BZ

APPLICANT – Department of Housing Preservation & Development, for Build it Back Program.

SUBJECT – Application September 25, 2015 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3X zoning district.

PREMISES AFFECTED – 61 Neutral Avenue, Block 4092, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3X (C1-1) zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, and rear yards contrary to ZR §§ 64-A351 and 64-A353; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and neighborhood; and

WHEREAS, by letter dated October 16, 2015, Community Board 2, Staten Island, states that it waives its review of the subject application; and

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, in order to expedite the subject application, the Board adopts a waiver of 2 RCNY § 1-05.1 (Subject Matter) and accepts the subject application without the required objection from the Department of Buildings ("DOB"); and

WHEREAS, the subject site is located on the north side of Neutral Avenue between Roma Avenue and Cedar Grove Avenue, within an R3X (C1-1) zoning district; and

WHEREAS, the site, which is vacant, has 20 feet of frontage along Neutral Avenue and 1,200 sq. ft. of lot area; and

WHEREAS, the site is vacant and was previously occupied by a one-story, single-family residence which was destroyed by or demolished as a result of Superstorm Sandy; and

WHEREAS, the site is also the subject of a companion application filed under BSA Cal. No. 227-15-A to permit the construction of a single-family home that does not front a mapped street, contrary to General City Law § 36; and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, in addition, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; and

WHEREAS, the applicant proposes to construct a one-story, single-family home with 670 sq. ft. of floor area (0.56 FAR); the new building will provide a front yard with a depth of 5'-0", a rear yard with a depth of 5'-9 ½", and side yards of 3'-0" (to the east) and 3'-5" (to the west); and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 5'-0" and a rear yard depth of 5'-9 ½"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *building* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit the modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Sections 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR

BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:

(a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;

(b) that any modification of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less;

(c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the front and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed yard waivers allow for the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R3X (C1-1) zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear, and side yards, contrary to ZR §§ 64-A351 and 64-A353; *on condition* that all work will substantially conform to the drawings filed with this application and marked "Received October 27, 2015"- Four (4) sheets; and *on further condition*:

THAT the bulk parameters of the building shall be as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 27, 2019;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

227-15-A

APPLICANT – Department of Housing Preservation & Development, for Build it Back Program.

SUBJECT – Application September 25, 2015 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3X zoning district.

PREMISES AFFECTED – 61 Neutral Avenue, Block 4092, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to permit the construction of a single-family home that does not front a mapped street, contrary to General City Law § 36; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and neighborhood; and

WHEREAS, by letter dated October 16, 2015, Community Board 2, Staten Island, states that it waives its review of the subject application; and

WHEREAS, this application is applicant is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, in order to expedite the subject application, the Board adopts a waiver of 2 RCNY § 1-05.1 (Subject Matter) and accepts the subject application without the required objection from the Department of Buildings ("DOB"); and

WHEREAS, the subject site is located on the north side of Neutral Avenue between Roma Avenue and Cedar Grove Avenue, within an R3X (C1-1) zoning district; and

WHEREAS, the site, which is vacant and was previously occupied by a one-story, single-family residence which was destroyed by or demolished as a result of Superstorm Sandy, has 20 feet of frontage along Neutral Avenue and 1,200 sq. ft. of lot area; and

WHEREAS, Neutral Avenue is an unmapped street; and

WHEREAS, the site is also the subject of a companion application filed under BSA Cal. No. 226-15-BZ, for a special permit pursuant to ZR § 64-92, to permit, on a site within an R3X (C1-1) zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, and rear yards contrary to ZR §§ 64-A351 and 64-A353; and

WHEREAS¸ to construct a one-story, single-family home with 670 sq. ft. of floor area (0.56 FAR); and

WHEREAS, because the site is located along an unmapped street, the applicant request a waiver of General City Law § 36; and

WHEREAS, by letter dated October 8, 2015, the Fire Department states that it has reviewed the proposal and has no objections; and

WHEREAS, based on the record, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, the appeal is granted by the power vested in the Board by Section 36 of the General City Law and on condition that construction shall substantially conform to the drawing filed with the application marked "October 27, 2015"- one (1) sheet, and on further condition:

THAT the approved plan shall be considered approved only for the portions related to the specific relief granted;

THAT the entire building shall have a fire sprinkler system in conformity with the sprinkler provisions of chapter 8 of the New York City Building Code;

THAT exterior walls and floors shall be constructed of materials that provide a 2-hour fire resistance rating, and that the underside of the structure shall also be 2-hour fire resistant if the space below is designated for automobile parking;

THAT the entire building will be provided with interconnected smoke alarms, which shall be designed and installed in accordance with the New York City Building Code Section 907.2.11;

THAT the highest windowsill to livable space shall be no higher than 32 feet above grade plane directly below, "grade plane" defined as set forth in the New York City Building Code Section 502.1;

THAT this approval shall be limited to the Build to Back program; and

THAT the approved plans shall be considered approved only for portions to the specific relief granted; and

THAT changes to the use or occupancy of the building will be subject to Board review and approval; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

228-15-BZ
APPLICANT – Department of Housing Preservation & Development, for Build it Back Program.
SUBJECT – Application September 25, 2015 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3X zoning district.
PREMISES AFFECTED – 48 Hamden Avenue, Block 3728, Lot 30, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home,

which does not comply with the zoning requirements for front yards contrary to ZR § 64-A351; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and neighborhood; and

WHEREAS, by letter dated October 16, 2015, Community Board 2, Staten Island, states that it waives its review of the subject application; and

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, in order to expedite the subject application, the Board adopts a waiver of 2 RCNY § 1-05.1 (Subject Matter) and accepts the subject application without the required objection from the Department of Buildings ("DOB"); and

WHEREAS, the subject site is located on the south side of Hamden Avenue between Laconia Avenue and Mason Avenue, within an R3-1 zoning district; and

WHEREAS, the site, which is vacant, has approximately 20 feet of frontage along Hamden Avenue and approximately 1,033 sq. ft. of lot area; and

WHEREAS, the site is vacant and was previously occupied by a one-story, single-family residence which was destroyed by or demolished as a result of Superstorm Sandy; and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, in addition, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; and

WHEREAS, the applicant proposes to construct a two-story, single-family home with 622 sq. ft. of floor area (0.60 FAR); the new building will provide a front yard with a depth of 9'-3", a rear yard with a depth of 10'-1", and two side yards of 3'- 7/8th"each; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 9'-3"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *building* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit the modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Sections 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) that any modification of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less;
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the front yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed yard waiver allows for the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the

building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a two-story single-family home, which does not comply with the zoning requirements for front yards, contrary to ZR §§ 64-A351; *on condition* that all work will substantially conform to the drawings filed with this application and marked "Received October 23, 2015"- four (four) sheets; and *on further condition*:

THAT the bulk parameters of the building shall be as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 27, 2019;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

229-15-BZ

APPLICANT – Department of Housing Preservation & Development, for Build it Back Program.

SUBJECT – Application September 25, 2015 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3X zoning district.

PREMISES AFFECTED – 214 Harding Park, Underhill Avenue and T Street, Block 3430, Lot 67, Borough of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3A zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and rear yards, contrary to ZR §§ 23-45(a) and 23-52; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Community Board 9, Bronx, recommends that the Board approve this application; and

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is an interior lot located on the east side of Underhill Avenue, within the Harding Park neighborhood in the Southeastern Bronx, within an R3A zoning district; and

WHEREAS, the site has 41.5 feet of frontage along the south side of the private road known as T Street, which bisects Underhill Avenue south of Bronx River Avenue, and 2,347 sq. ft. of lot area; and

WHEREAS, the site is vacant; before it was demolished, the site was occupied one-story, single-family home with a 944 sq. ft. of floor area (0.40 FAR), a non-complying front yard with a depth of 8'-10", side yards of 1'-2 ½" and 8'-5", and a rear yard of 9'-9 ¾"; and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, in addition, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story with attic, single-family home with 1,154 sq. ft. of floor area (0.49 FAR); the

new building will provide a non-complying front yard depth of 10'-0" (a front yard with a depth of 18'-0" is required as per ZR §23-45(a)), side yards of 18'-8 ½" and 9'-11" (a single side yard with a total width of 8'- 0" is required, and an open area with a minimum total width of eight feet is required between buildings containing residences on adjacent lots is required pursuant to ZR §23-461), and a rear yard depth of 4'-8½" (a rear yard with a depth of 10'-0" is required pursuant to ZR §23-52); and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 10'-0" and a rear yard depth of 4'-8½"; and

WHEREAS, ZR § 64-92 provides:

In order to allow for the alteration of existing *building* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit the modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Sections 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:

(a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;

(b) that any modification of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less;

(c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the front and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested front and rear yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal will result in an increased depth of the front and side yards, as well as an increase in the open space on the lot; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R3A zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and rear yards, contrary to ZR §§ 23-45(a) and 23-52; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 25, 2015"- six (6) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 1,154 sq. ft. (0.49 FAR), a minimum front yard depth of 10'-0", a minimum rear yard depth of 4'-8½" , as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 27, 2019;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

228-14-BZ
APPLICANT – Eric Palatnik, P.C., for Henry Trost, owner.
SUBJECT – Application September 22, 2014 – Special Permit (§73-622) for the enlargement of an existing two story single family home contrary to floor area, lot coverage and open space (ZR 23-141(b). R3-1 zoning district.
PREMISES AFFECTED – 149 Hasting Street, Hastings Street, between Hampton Avenue and Oriental Boulevard, Block 08751, Lot 466, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for decision, hearing closed.

245-14-BZ
APPLICANT – Stroock & Stroock & Lavan, LLP., for Two Fulton Square, LLC., owner.
SUBJECT – Application October 9, 2014 – Special Permit (§73-66) to permit the penetration of the flight obstruction area of LaGuardia Airport contrary to §61-20. C4-2 zoning district.
PREMISES AFFECTED – 133-31 39th Avenue, 37th Avenue, Prince Street, 39th Avenue and College Point Boulevard, Block 04972, Lot 65, Borough of Queens.
COMMUNITY BOARD #7Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for decision, hearing closed.

24-15-BZ
APPLICANT – Cozen O'Connor, for Roosevelt 5 LLC, owner.
SUBJECT – Application February 11, 2015 – Special Permit (§73-66) to permit the construction of a new building in excess of the height limits established under ZR 61-21. C2-3/R6 zoning district.
PREMISES AFFECTED – 71-17 Roosevelt Avenue, frontage on Roosevelt Avenue and 72nd Street, Block 01282, Lot (s) 137,138,141,151,160, Borough of Queens.
COMMUNITY BOARD #3Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for decision, hearing closed.

62-15-BZ
APPLICANT – Glen V. Cutrona, AIA, for 139 Bay Street Point, LLC, owner.
SUBJECT – Application March 20, 2015 – Variance (§72-21) enlargement of a mixed use building contrary floor area regulations, lot coverage, balconies below third story, distance from legally required windows, lot line and side yard regulation, located within an C4-2/SG zoning district.
PREMISES AFFECTED – 139 Bay Street, Bay Street between Slosson terrace and Central Avenue, Block 00001, Lot(s) 10,17,18,19, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 8, 2015, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director